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CLERK US DISTRICT COURT NORTHERN DIST. OF TX FILED

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS AMARILLO DIVISION

2015 JUL 13 AM 11:55

DEPUTY CLERK

RONALD WAYNE JOHNSON,	§	
	§	
Petitioner,	§	
	§	
v.	§	2:10-CV-0041
	§	
WILLIAM STEPHENS, Director,	§	
Texas Department of Criminal Justice,	§	
Correctional Institutions Division,	§	
	§	
Respondent.	§	

REPORT AND RECOMMENDATION TO DENY PETITIONER'S APPLICATION TO PROCEED IN FORMA PAUPERIS ON APPEAL

On February 27, 2012, this Court denied petitioner leave to proceed with this action *in forma* pauperis. On July 2, 2012, the Court of Appeals for the Fifth Circuit dismissed petitioner's appeal of this Court's ruling for want of prosecution, *viz.*, for failure to pay the docketing fee. On May 8, 2015, petitioner filed a motion in this case seeking to vacate a sanction order entered in this case on February 27, 2012. On June 1, 2015, this Court denied petitioner's motion. Petitioner now seeks to appeal that order without prepayment of fees or costs.

Petitioner has not demonstrated his request to proceed *in forma pauperis* should not be denied for the same reasons set forth in this Court's February 27, 2012 order. Moreover, petitioner has not provided the Court with a current *In Forma Pauperis* Data Sheet, instead citing a purported violation of the Financial Privacy Act.

RECOMMENDATION

It is the recommendation of the undersigned United States Magistrate Judge to the United

States District Judge that petitioner's application to proceed *in forma pauperis* on appeal be DENIED.

INSTRUCTIONS FOR SERVICE

The United States District Clerk is directed to send a copy of this Report and Recommendation to each party by the most efficient means available.

IT IS SO RECOMMENDED.

ENTERED this 13th day of July 2015.

CLINTON E. AVERITTE

UNITED STATES MAGISTRATE JUDGE

* NOTICE OF RIGHT TO OBJECT *

Any party may object to these proposed findings, conclusions and recommendation. In the event parties wish to object, they are hereby NOTIFIED that the deadline for filing objections is fourteen (14) days from the date of filing as indicated by the "entered" date directly above the signature line. Service is complete upon mailing, Fed. R. Civ. P. 5(b)(2)(C), or transmission by electronic means, Fed. R. Civ. P. 5(b)(2)(E). Any objections must be filed on or before the fourteenth (14th) day after this recommendation is filed as indicated by the "entered" date. See 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b)(2); see also Fed. R. Civ. P. 6(d).

Any such objections shall be made in a written pleading entitled "Objections to the Report and Recommendation." Objecting parties shall file the written objections with the United States District Clerk and serve a copy of such objections on all other parties. A party's failure to timely file written objections to the proposed findings, conclusions, and recommendation contained in this report shall bar an aggrieved party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings, legal conclusions, and recommendation set forth by the Magistrate Judge in this report and accepted by the district court. See Douglass v. United Services Auto. Ass'n, 79 F.3d 1415, 1428-29 (5th Cir. 1996); Rodriguez v. Bowen, 857 F.2d 275, 276-77 (5th Cir. 1988).